

**ORDINANCE NO. 28823**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN  
REAL PROPERTY SITUATED AT THE WEST SIDE OF NOBLE  
AVENUE, APPROXIMATELY 100 FEET NORTH OF PENITENCIA  
CREEK ROAD, FROM COUNTY OF SANTA CLARA TO R-1-8  
SINGLE FAMILY RESIDENCE ZONING DISTRICT**

**WHEREAS**, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, the Council is the decision-making body for subject prezoning from unincorporated County to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single Family Residence Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. C10-012 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this 5th day of October, 2010 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: Penitencia No. 77

R-1-8 Zoning District

Date: 10/05/10

All that certain real property situated in the County of Santa Clara, State of California, being:

- all of Lots 1-69, San Pablo Avenue, Selby Lane, Surf Court, and a portion of Penitencia Creek Road as shown on the Map of Tract No. 1571 "Toyon Terrace" recorded on October 5, 1955 in Book 63 of Maps, at Page 13, Santa Clara County Records;
- all of Lots 1-9 and Toyon Court as shown on the Map of Tract No. 3573 recorded on August 25, 1964 in Book 184 of Maps, at Page 23, Santa Clara County Records;
- all of Lots 353-542, Linda Vista Avenue, San Marino Avenue, San Mardo Avenue, Alba Court, Bard Street, San Onofre Court, Copal Court, Dorian Court, Gridley Street and a portion of Penitencia Road as shown on the Map of Tract No. 1117 "Country Club Gardens Unit No.3" recorded on September 28, 1954 in Book 51 of Maps, at Pages 42-43, Santa Clara County Records;
- all of Lots 137-352, Gridley Street, Holly Drive, Pepper Tree Avenue, Joanne Avenue, San Pablo Avenue, and Linda Vista Street as shown on the Map of Tract No. 1109 "Country Club Gardens Unit No. 2" recorded on March 3, 1953 in Book 41 of Maps, at Page 48-50, Santa Clara County Records;
- all of Lots 1-136, Linda Flora Street, Linda Vista Street, Gridley Street, Fenton Street, Joanne Avenue, Pepper Tree Avenue, Holly Drive, and Golf Drive as shown on the Map of Tract No. 981 "Country Club Gardens" recorded on November 3, 1952 in Book 41 of Maps, at Pages 4-6, Santa Clara County Records;

said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations McKee No. 45-A, McKee No. 69, McKee No. 2, Penitencia No. 1-B and Penitencia No. 72, said property being more particularly described as follows:

Beginning at the point of intersection of the centerline of Penitencia Creek Road with the northerly prolongation of the westerly line of Toyon Avenue as said centerline and said Toyon Avenue are shown on the Map of said Tract No.1571 "Toyon Terrace";

Thence along the centerline of Penitencia Creek Road as shown on said Tract No.1571 the following three courses:

- S 72°32'00" W 124.18 feet;
- S 47°15'55" W 212.36 feet;
- S 71°27'30" W 223.88 feet;

Thence along the centerline of Penitencia Road as shown on said Tract No. 1117 the following three courses:

- S 65°50'30" W 259.26 feet;
- N 89°57'00" W 253.44 feet;

## EXHIBIT 'A'

- S 77°41'00" W 174.33 feet to an angle point in the general northeasterly line of said McKee No. 45-A;

Thence along said general northeasterly line and along the southeasterly and general southwesterly lines of said McKee No. 45-A the following courses:

- continuing along said centerline of Penitencia Road, S 77°41'00" W 26.10 feet to the northwesterly prolongation of the southwesterly line of Bard Street as shown on said Tract No. 1117;
- along said northwesterly projection said southwesterly line of Bard Street, S 28°59'00" E 604.49 feet to the most northerly corner of Lot 490 as shown on said Tract No. 1117;
- along the northwesterly lines of Lots 490, 499-500, 509-510, and 519 as shown on said Tract No. 1117, S 60°38'30" W 675.37 feet to a point on the northeasterly line of Gridley Street as shown on said Tract No. 1117;
- along said northeasterly line of Gridley Street, N 31°34'10" W 680.19 feet;
- leaving said easterly line, S 58°25'50" W 60.00 feet to a point on the southwesterly line of said Gridley Street, said point also being the beginning of a non-tangent curve to the left, concave southerly, having a radius of 20.00 feet, a radial to said point bears N 58°25'50" E;
- along said curve, through a central angle of 84°55'20", for an arc length of 29.64 feet to a point on the southerly line of said Penitencia Road, said point being the beginning of a reverse curve to the right, concave northwesterly, having a radius of 387.68 feet;
- along said curve, through a central angle of 12°20'47", for an arc length of 83.54 feet to the most westerly corner of Lot 542 as shown on said Tract No. 1117, said point being on the southwesterly line of said Tract No. 1117, said point also being on the general northeasterly line of said McKee No. 69;

Thence along said general northeasterly line of McKee No. 69, along said southwesterly line of Tract No. 1117, S 31°34'10" E 1407.79 feet to the most westerly corner of said Tract No. 1109;

Thence continuing along said general northeasterly line of McKee No. 69 and along the general northwesterly line of said McKee No. 2, along the westerly line of said Tract No. 1109, S 31°32'10" E 1050.00 feet to the most westerly corner of said Tract No. 981;

Thence continuing along said general northwesterly line of McKee No. 2, along the southwesterly line of said Tract No. 981, S 31°32'10" E 215.11 feet to the southwest corner of said Tract No. 981, said point being an angle point in said general northwesterly line of McKee No. 2;

Thence continuing along said general northwesterly line of McKee No. 2, along the southeasterly line of said Tract No. 981, N 60°38'30" E 1968.62 feet to a point on the southwesterly line of Toyon Avenue as shown on said Tract No. 981, said point being the most southerly corner of said Penitencia No. 1-B;

Thence along the general southwesterly line of said Penitencia No. 1-B, along the westerly line of Toyon Avenue as shown on said Tract Nos. 981 and 1571, N 29°00'00" W 1465.63 feet to an angle point in said general southwesterly line of Penitencia No. 1-B, said point being 83.00 feet

northwesterly, along the southwesterly line of Toyon Avenue as shown on said Tract No. 3753, from the most northerly corner of Lot 33 as shown on said Tract No. 1571;

Thence continuing along said general southwesterly line of Penitencia No. 1-B the following three courses:

- N 61°00'00" E 9.50 feet;
- N 29°00'00" W 30.00 feet;
- S 61°00'00" W 9.50 feet to a point on said southwesterly line of Toyon Avenue (Tract No. 3753);

Thence continuing along said general southwesterly line of Penitencia No. 1-B, along the westerly line of Toyon Avenue (Tract No. 3753), N 29°00'00" W 137.00 feet to the most northerly corner of Lot 1 as shown on said Tract No. 3753, said point being the most easterly corner of said Penitencia No. 72;

Thence along the southeasterly, southwesterly, and northwesterly lines of said Penitencia No. 72 the following three courses:

- along the northwesterly line of said Tract No. 3753, S 61°02'30" W 292.00 feet to the northeasterly line of Lot 22 as shown on said Tract No. 1571;
- along the northeasterly lines of Lots 22-19 as shown on said Tract No. 1571, N 29°00'00" W 125.00 feet to the most southerly corner of Lot 17 as shown on said Tract No. 1571;
- along the southeasterly lines of Lots 17, 16 and 1 as shown on said Tract No. 1571, N 61°02'30" E 292.00 feet to the southwesterly line of Toyon Avenue as shown on said Tract No. 1571 and said general southwesterly line of Penitencia No. 1-B;

Thence along said general southwesterly line of Penitencia No. 1-B and said southwesterly line of Toyon Avenue (Tract No. 1571), N 29°00'00" W 582.67 feet to the Point of Beginning.

The described property contains approximately 104.51 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



Patricia A. Cannon 8/10/2010  
Patricia A. Cannon, PLS 8186

EXHIBIT ' A '

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: Penitencia No. 77

R-1-8 Zoning District

Date: 10/05/10

All that certain real property situated in the County of Santa Clara, State of California being a portion of Lot 10 as shown on the "Map of Reservation Tract" recorded on January 18, 1896 in Book F of Maps, at Page 46, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Penitencia No. 28, Penitencia No. 45, Penitencia No. 11, and Penitencia No. 9, said property being more particularly described follows:

Beginning at the most southerly corner of that certain "0.361 Ac.± NET" Parcel as shown on the Record of Survey recorded on December 3, 1963 in Book 170 of Maps, at Page 35, Records of Santa Clara County, said Point of Beginning being an angle point in the general southeasterly line of said Penitencia No. 28;

Thence along said general southeasterly line of Penitencia No. 28 the following three courses:

- along the southwesterly line of said "0.361 Ac.± NET" Parcel, N 20°21'00" W 120.00 feet;
- along the northwesterly line of said "0.361 Ac.± NET" Parcel, N 69°46'00" E 81.16 feet to the southeasterly prolongation of the southwesterly line of the "0.229 Ac. NET" Parcel as shown on the Record of Survey recorded on February 27, 1968 in Book 233 of Maps, at Page 49, Records of Santa Clara County;
- along said southeasterly prolongation, N 20°14'00" W 7.00 feet to the most southerly corner of said "0.229 Ac. NET" Parcel, said corner being the most southerly corner of said Penitencia No. 45;

Thence along the southeasterly line of said Penitencia No. 45 and of said "0.229 Ac. NET" Parcel, N 69°46'00" E 143.25 feet to a point on the southwesterly line of Noble Avenue (50 feet wide) as shown upon said Record of Survey (233 M 49); said point being on said general southwesterly line of Penitencia No. 28;

Thence along said general southwesterly line of Penitencia No. 28 and said southwesterly line of Noble Avenue, S 49°14'00" E 42.30 feet to a point on the northwesterly line of Parcel "A" as shown on the Record of Survey recorded on January 17, 1967 in Book 218 of Maps, at Page 26, Santa Clara County Records, said point being on the northwesterly line of said Penitencia No. 11;

Thence along said northwesterly line of Penitencia No. 11 and of said Parcel "A", S 69°46'00" W 103.67 feet;

EXHIBIT ' A ,

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Thence along the southeasterly lines of said Penitencia No. 11 and said Penitencia No. 9, also being the southeasterly lines of Parcels "A" and "B" as shown on said Record of Survey (218 M 26), S 20°14'00" E 144.12 feet;

Thence leaving said southwesterly line of Penitencia No. 9 and of said Parcel "B", N 49°14'00" W 61.88 feet to an angle point in the general southeasterly line of said "0.361 Ac.± NET" Parcel;

Thence along said general southeasterly line of said "0.361 Ac.± NET" Parcel, S 69°46'00" W 111.00 feet to the Point of Beginning.

The described property contains approximately 0.50 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



Patricia A. Cannon 8/10/2010  
Patricia A. Cannon, PLS 8186

EXHIBIT ' A '

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: Penitencia No. 77

R-1-8 Zoning District

Date: 10/05/10

All of the real property situated in the County of Santa Clara, State of California being all of the Parcel labeled as "Santana to Freeman 10-24-50" as shown on the Record of Survey recorded on March, 8, 1956 in Book 67 of Maps, at Page 28, Records of Santa Clara County, said property being partially bounded by the City Limits Line of the City of San Jose as established by City Annexations Penitencia No. 32 and Penitencia No. 1-B, said property being more particularly described as follows:

Beginning at the intersection of the northeasterly prolongation of the northwesterly line of said Parcel with the centerline of Noble Avenue as shown on said Record of Survey, said point being the most easterly corner of said Penitencia No. 32, also being on the general southwesterly line of said Penitencia No. 1-B;

Thence leaving said easterly corner of Penitencia No. 32, along said centerline of Noble Avenue and said general southwesterly line of Penitencia No. 1-B, S 49°15'00" E 125.54 feet to the northeasterly prolongation of the southeasterly line of said Parcel;

Thence leaving said general southwesterly line of Penitencia No. 1-B, along said northeasterly prolongation and said southeasterly line of said Parcel, S 73°10'00" W 358.54 feet to the southerly corner of said Parcel;

Thence along the southwesterly line of said Parcel, N 20° 51'00" W 81.42 feet to the westerly corner of said Parcel, also being the southerly corner of said Penitencia No. 32;

Thence along the southeasterly line of said Penitencia No. 32 and the northwesterly line of said Parcel, N 68°24' E 297.97 feet to the Point of Beginning.

The described property contains approximately 0.71 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



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